IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

Tr.P(C).No. 146 of 2007()

OPHMA.228/2007 of FAMILY COURT, KOTTARAKKARA

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: PETITIONER:

B. VIMALA, AGED 46 YEARS,
D/O. NARAYANA PILLAI, CHUNDAVILA VEEDU,
PUNAKKANNOOR, PERUNPUZHA P.O., KOLLAM.

BY ADV. SRI.JOHNSON GOMEZ

RESPONDENTS:

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1. P. VASUDEVAN PILLAI, AGED 60 YEARS,
SON OF PARAMESWARAN PILLAI, VINU BHAVAN,
THALAVORKONAM, KUZHIMATHICADU, KAREEPRA VILLAGE,
KOTTARAKKARA TALUK.

2. UDAYAKUMAR P.R., SON OF RAGHAVAN,
SOMINI MANDIRAM, PADINJATTINKARA, KOTTARAKKARA.

THIS TRANSFER PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.KRISHNAN, J

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Tr.P.(C) No.146 OF 2007

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Dated this the 6th day of July, 2007

JUDGMENT

This transfer petition is filed by the wife to transfer O.P.(HMA) No.228 of 2007 pending before the Family Court, Kottarakkara to the Family Court, Kollam. The wife has filed a maintenance case M.C.No.94 of 2004 before the Family Court, Kollam and therefore she requests that this case may also be transferred to the Family Court, Kollam. On account of large volume of work pending in the Family Courts, Government have established additional Family Courts with the intention to have speedy and expeditious disposal of matrimonial disputes between the parties. It was accordingly a Family Court was established at Kottarakkara, i.e. an additional family court for Kollam District and the cases were transferred to the said court. The unfortunate couple are aged 60 years and 46 years and now they want to untie the matrimonial relationship. The Supreme Court has cautioned in the decision reported in ***Anindita Das v. Sruit Das(2006) 9 SCC 197)*** "at one stage the Supreme Court was showing leniency to ladies. But since then it has been found that a large number of transfer petitions are

filed by women taking advantage of the leniency shown by the Supreme Court. On an average at least 10 to 15 transfer petitions are on board of each court on each admission day. It is, therefore, clear that leniency of the Supreme Court is being misused by the women. The Supreme Court is now required to consider each petition on its merit". This is the principle to be followed by this court also in cases. The Family Court, Kollam and Family Court, Kottarakkara are situated in the very same District and the distance is also about 30 to 40 kilometers. The more serious case, viz., the divorce is pending before the Family Court, Kottarakkara where the chances of expeditious disposal is more than a heavier court at Kollam. It is true that there are allegations of adultery. But that shall not stand in the way of transfer of a case. So I find that the grounds alleged in the transfer petition are not sufficient so as to effect a transfer of the case. Therefore the transfer petition lacks merit and the same is dismissed.

M.N.KRISHNAN, JUDGE

Cdp/-